

MAY 14 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OSAWARU AMEN AIDEYAN,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 06-70708

Agency No. A027-578-399

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration AppealsSubmitted May 12, 2010**
San Francisco, California

Before: HUG, RYMER and McKEOWN, Circuit Judges.

Osawaru Amen Aideyan, a native and citizen of Nigeria, petitions this court for review of the decision of the Board of Immigration Appeals (“BIA”) denying his motion to reopen *sua sponte* its March 5, 2002 decision, which dismissed Aideyan’s appeal from the Immigration Judge’s November 12, 1999 decision. We

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

are without jurisdiction to review the BIA's denial of a motion to reopen *sua sponte* under 8 C.F. R. § 3.2(a). Ekimian v. INS, 303 F.3d 1153, 1159 (9th Cir. 2002); see also Minasyan v. Mukasey, 553 F.3d 1224, 1229 (9th Cir. 2009) ("This court does not have jurisdiction to review an alien's claim that the BIA should have exercised its *sua sponte* power' to reopen or reconsider a prior order.") (internal quotation marks and alterations omitted).

PETITION DISMISSED.